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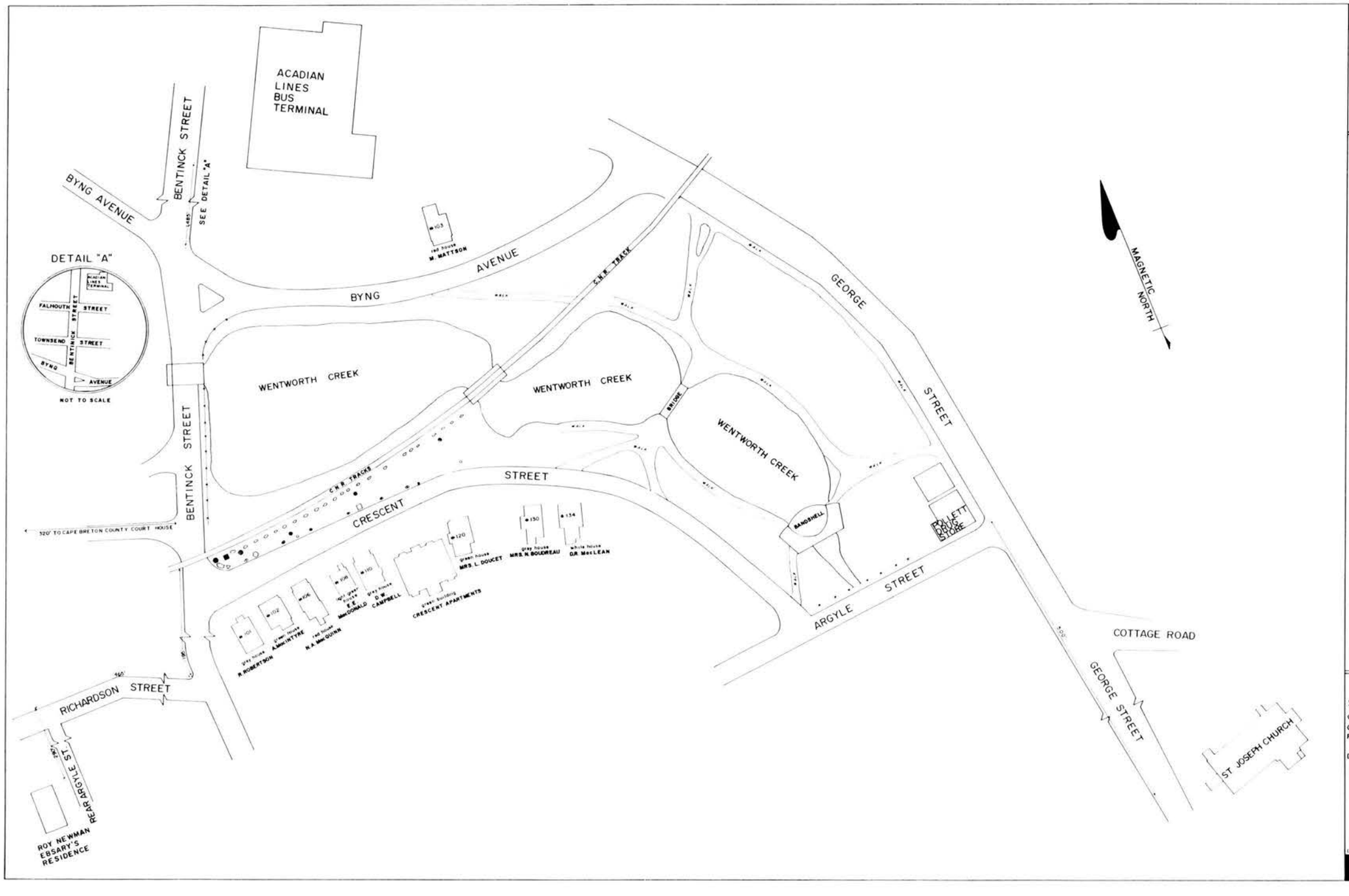
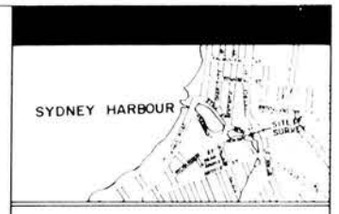
November 16, 1987





LEGEND

- BIRCH TREE
- POWER POLE (with 125 M.V. light)
- POWER POLE
- NO PARKING ANYTIME SIGN
- STOP AHEAD SIGN
- BUSH
- TREES
- HEDGE
- RAILWAY SIGNAL LIGHTS
- POWER BOX FOR RAILWAY SIGNAL LIGHT
- STOP SIGN
- FENCE LINE

SCALE 1" = 30'

FEET

- PLAN -

SHOWING **WENTWORTH PARK**

CITY OF SYDNEY,
COUNTY OF CAPE BRETON,
PROVINCE OF NOVA SCOTIA

DATED JULY 27, 1987

J. CARL MacDONALD N.S.L.S.
NOVA SCOTIA LAND SURVEYOR

DRAFTED BY: A. B. MacNEIL

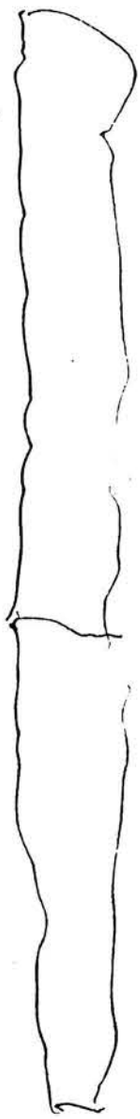
PLAN No. SYD. 87-23

Exhibit Number: 23

Filed on: SEP 09 1987, 1987

At The Hearings of The
Royal Commission On The
Donald Marshall, Jr., Prosecution

Malcolm Williston,
Registrar



Ex. 25
Gaum

TRANSCRIPT OF ROY EBSARY VIDEO INTERVIEW WITH DAVID RATCHFORD

Ebsary: ... I said good for you, by God.

Ratchford: Did he have any idea when you're going to go to trial?

Ebsary: No. Not soon.

Ratchford: No?

Ebsary: But I got two operations rolling up. What about that?

Ratchford: Hum. When are you going in for the operations?

Ebsary: I got to see Tommy tomorrow, about one, this Sniderman.

Ratchford: Sniderman.

Ebsary: I see Sniderman tomorrow and after I get through with Sniderman, Sniderman is going to decide what date to operate, he'll tell me that tomorrow, you see. And from that, Gaum is keeping in touch with Halifax, but he is getting no reply from Halifax. So he's going to have to, the fellow that mended the bloody neck when I broke the son of a bitch, you know. So

Ratchford: So, she's all a waiting game.

Ebsary: Yeah, it's all a waiting game. It's a waiting game of, it's bloody waiting, it's bloody brutal.

Ratchford: Five years.

Ebsary: Is it five years?

Ratchford: Just about five years.

Ebsary: Since this, this started again?

Ratchford: It's ah, well, for the initial case to break open, it's ah, what was that, '81?

Abbass: '81 - '82, wasn't it?

Ratchford: Yeah, '82.

Ebsary: Bloody right. Or else I haven't been to the Nova

Scotia Hospital, for Christ sakes, twice.

Ratchford: That's right, '82.

Ebsary: The bloody pyschiatrist told to the Judge of the bloody Court that man is absolutely insane. (laughs) Jesus. So he sends me back to the God damn Nova Scotia Hospital and I God damn well told you that I God damn well wasn't insane. They said well by Christ we'd like to have that, a head like you got. Geez, what a laugh. It was a laugh alright. Jumpin Christ.

Ratchford: So how do you feel about going up again?

Ebsary: Well, I feel lousy that there should be another bloody trial. Because you know to sit in that bloody court room is bloody murder. But if that bastard is lying, like they did at the last trial, I'm going to be on my God damn feet this time, irregardless of the lawyers and fuck all else, and I'm going to tell him he's a God damn liar.

Ratchford: Who?

Ebsary: Marshall.

Ratchford: Um hum.

Ebsary: And Seale, and uh, what's his name, O'Neil. But his lawyer says if I go and contend O'Neil, it's going to make it bad for the case.

Ratchford: You mean MacNeil.

Ebsary: MacNeil. The son of a bitch turned Judas, didn't he?

Ratchford: Um hum.

Ebsary: I tried to save his bloody life that night.

Ratchford: Um hum. And then he turned around

Ebsary: And he turned around and becomes state business, to save his bloody head.

Ratchford: Do you think they are going to have the same witnesses this time as they had the last time?

Ebsary: Right. There are no other witnesses. They claimed there was four men there, only four. They are forgetting Irving ...., that's five. He saw him, what he could see in the dark, but he heard MacNeil's screams. Darn right. Cause that one

was screaming like a banshee. Until he turned around and took us to court, said him and Marshall was standing by the side of the bloody road and saw me sticking, stick the bloody knife, or stick something in the guy. They asked him did you see a knife. They saw no bloody knife. How could they? I was wearing a cape.

Ratchford: That's right.

Ebsary: I was wearing my coats like a cape. After that, well, you take it now. Marshall was further away from me to that bloody house is over there. In the park on a dark night, and believe me it was dark, no lights. They saw nothing. So they are lying through their bloody teeth. It was impossible to see. Well, I couldn't see Seale in front of me. I saw a shape with a big afro hairdo. You know, bloody right. And I didn't take the hand out of the pocket. I didn't have to. The Burbury is made so you put your hand here. If you put it in, you can put it down in the pocket or you could put it right up there like that.

Ratchford: Um hum.

Ebsary: So it was bloody easy with the God damn, well he says, "Give me every fuckin thing you got". I said, "Well, you'll get everything I've got". I just put my hand in my bloody pocket like that, the hand went out there like that, between the bloody cape, when ... sixty bloody feet away in the dark. How in the hell could you see anything.

Ratchford: Roy, I'm thinking about the way you stabbed him. I'm trying to, is that coat here? Do you have a coat like that here?

Ebsary: No. You know, the Mounties took that coat and never brought it back. They must have been looking for blood stains or something on it.

Ratchford: Yeah.

Ebsary: But they were bloody foolish cause who in the hell would be foolish enough to put blood stains on the God damn clothes you were wearing?

Ratchford: Really.

Ebsary: Just like Donna saying she saw me wash blood off the knife in the sink, right?

Ratchford: Right.

Ebsary: She didn't. She assumed it was blood I was washing off the knife. I was washing .... off the knife because I put the knife in the earth. After I cut Marshall in the bloody arm, I stuck the knife in the earth. That's what I automatically do to clean your knife.

Ratchford: Right.

Ebsary: Well, Christ. Geez, how in the Christ could Donna see me wash blood off the bloody knife. Fuck 'em. Assumptions was all it was, bloody assumptions.

Ratchford: When you stuck your hand out from the coat, okay, you had your hand inside the coat. Was the knife in the coat pocket or your pants pocket, and you pulled it out of your pants pocket or was it in the coat?

Ebsary: Yeah. It was in the pant's pocket. I put my hand down there like that, see?

Ratchford: Let's assume that I'm Sandy Seale standing right in front of you and we will re-enact this whole thing, okay?

Ebsary: Good. Dave, get my coat.

Ratchford: And I'll even get a

Abbass: Time out there, Dave?

Ratchford: Okay, I'm in a position, this is the position of Sandy Seale. What was he, arm's length away from you?

Ebsary: Now, I'm digging out and handing him this

Ratchford: Okay, so he's

Ebsary: Digging out and handing him that, and giving it to him. Now he got both hands are like that, right?

Ratchford: Yeah.

Ebsary: Okay. Now he says, "Give me everything you got." So, I dug down again like this.

Ratchford: What did he do with this stuff in his hands?

Ebsary: Put them in his pockets.

Ratchford: So he puts this in his pockets.

Ebsary: Right.

Ratchford: Now, he's standing there. Does he grab you or touch you?

Ebsary: No, because he's waiting for the rest of it. He wants everything I got.

Ratchford: Okay. So he has his hands stuck out.

Ebsary: So when he said, "I want everything you got", I dug down again and I hit the pocket knife. So I took it out like that, flipped it like that and did it like that.

Ratchford: And so, when you hit him, he did exactly what I did. He fell forward and then the knife then continued on up into the

Ebsary: Yes, like that.

Ratchford: So what happened then, did he fall flat down?

Ebsary: No, he didn't fall down.

Ratchford: So what happened?

Ebsary: The son of a bitch took off running like a son of a whore.

Ratchford: So he turned around and ran?

Ebsary: Yes.

Ratchford: Or did he run past you?

Ebsary: No. He, well

Ratchford: Did he hold his stomach?

Ebsary: No, he, he had his hands like this and he was running like old blazes. So I thought that the knife had only gone into his bloody clothes.

Ratchford: Oh yeah.

Ebsary: See? I didn't think the God damn thing had gone into his ....., and the God damn blade was only a God damn knife, like that.

Ratchford: Right.

Abbass: Can we see that again, Roy? Can we see how big the blade was again? Show us the length of that

thing. That's the length of it right there, eh Roy?

Ratchford: Then he turned and ran?

Ebsary: Right.

Ratchford: Like this?

Ebsary: And ran right down the bloody road and round the bend into the bloody park. And that's where he dropped, but that's pretty common.

Ratchford: Yeah.

Ebsary: So it stands to reason that he ran that bloody park. Now, the other fellow is screaming across the road.

Ratchford: Marshall had him on the ground?

Ebsary: Yeah. With his hands like this and his

Ratchford: Okay, so now I assume Marshall's position. You show me ah, you show me where, okay, you can stand over on this side over here.

Ebsary: Yeah, that's right, and Marshall was there.

Ratchford: Okay, am I on the ground or am I standing up?

Ebsary: No, you're standing up and you got your arm around the other fellow

Ratchford: Like this?

Ebsary: Right.

Ratchford: And MacNeil is on the ground?

Ebsary: MacNeil is on the ground.

Ratchford: So he's on the ground.

Ebsary: Right.

Ratchford: Is this the shoulder that's exposed to you or is it like this?

Ebsary: This one.

Ratchford: This one. Oh, so he's using his left arm then?

Ebsary: Right.

Ratchford: Okay, he's using his left arm to hold him.

Abbass: Okay, wait now, Dave, I can't see what you're doing over there.

Ebsary: You got a hold of both hands.

Ratchford: Oh yeah, so right around the neck.

Ebsary: And one arm here, like this, like that. So, I can't get that hand down, like that, you know, so I went strike (?) like that.

Ratchford: Stabbed him? Oh, I see, so you ripped him right down the arm, the left arm.

Ebsary: Right. Ripped him right down the arm like that. Then he dropped the arm.

Ratchford: So they said, and the authorities claimed that he inflicted that wound himself.

Ebsary: Oh yes.

Ratchford: Um hum. So, okay, so you slashed him on the arm, what did he do?

Ebsary: He dropped the young fellow then.

Ratchford: Yeah. And did he hit you or?

Ebsary: No, he took off running in the same direction.

Abbass: Move out of the way, Dave.

Ratchford: He ran in the same direction as Seale?

Ebsary: As Seale.

Ratchford: That's down toward the bandshell?

Ebsary: Toward the bandshell, right.

Ratchford: Yeah. Up on Crescent?

Ebsary: That's right.

Ratchford: And that was the last you encountered

Ebsary: That's, that's the last I encountered. Now, as I figured, neither one was seriously hurt, so MacNeil comes up to the house with me. We went into the house and he was yelling, "Roy saved my life, Roy saved my life." This is what he was yelling to the missus, you know, when we came

through the door, and I turned around and I said to him, "Shut up", like that. So I went to the bloody kitchen, I took the bloody knife, but there was no blood on it.

Ratchford: Want to follow that action, Chris, and we will do that, just as though you were coming in the house?

Abbass: Okay, show us again, Roy.

Ratchford: Okay, we can go out to the kitchen and have him go and actually do that.

Abbass: Okay, if you like.

Ratchford: Can you carry the gear, have you got it?

Abbass: Yes, oh yes.

Ratchford: Let's assume that the hallway here is where you and Jimmy MacNeil were coming in. We will re-enact this.

Ratchford: Where the family and all that is, and that will be the living room, wouldn't it.

Ebsary: Yes.

Ratchford: Okay, so Jimmy MacNeil is ahead of you coming in the door?

Ebsary: Yeah, right. .... ahead of me.

Ratchford: So, he coming in the door?

Ebsary: Like that, and he's yelling, and he looked in there, and he sees the wife, see? So, he says, "Roy saved my life tonight, Roy saved my life tonight". Right? And I said, "Shut up, you fool", and I headed for the kitchen.

Ratchford: Oh yeah.

Ebsary: Now I head for the kitchen and I head for the sink, but the knife is clean because I ran the knife down to the earth so there was nothing on the knife. But I took it like that and I washed it. ... and I washed it. That was it.

Ratchford: So, what happened after that now? What did you say? What did you do with the knife first of all?

Ebsary: Put it back in my pocket.

Ratchford: Yeah?

Ebsary: After I washed the knife, I put it back in my pocket again.

Ratchford: Okay.

Ebsary: Cause it's only a small knife.

Ratchford: Right.

Ebsary: You know, I'd imagine putting it in but can I get it out? There we are.

Ratchford: So, did you go in the room and speak to Mary?

Ebsary: No.

Ratchford: And what did Donna do?

Ebsary: She stayed there, well, she's says that she came into the room, the kitchen.

Ratchford: So, we can sit back down now. I guess there's no need of, that was great, Roy. That was a good re-enactment of that too. That was good.

Ebsary: So, MacNeil and I head out to the backyard.

Ratchford: Both of you, did you tell him to get out the door or?

Ebsary: No, first I went to the fridge. I took out some meat that I had. New York cut sirloin, you know, for steaks.

Ratchford: Um hum.

Ebsary: So, this is when she saw the blood on the knife. I used that small knife again for cutting the steak, the small steak, like that.

Ratchford: Oh yeah.

Ebsary: So, I cut the small steak, and I says to him, "MacNeil, we'll have a barbecue out back. But what I didn't realize was a light rain was falling and the barbecue was wet, so the bloody thing wouldn't ignite. So, MacNeil says, "I think I'll go home." Well, I says, "I'll walk up the street with you." He says, "No, because them two", he says, "might be waiting for me when I get up on Argyle Street". Now, he never figured that either of them was there..., eh?

Ratchford: No, he couldn't have

Ebsary: Because if he did, why would he be afraid that they would be waiting on Argyle Street for him?

Ratchford: Really.

Abbass: Excuse me, Roy. This MacNeil fellow, was he a bit of a drinker?

Ebsary: Yes, he was.

Abbass: Was he drunk at that time?

Ebsary: Yes, cause I'll tell you. He claimed that we were down to a tavern that night. We were to a tavern, but I wasn't to a tavern drinking. I spent that evening up at his father's, off George Street, some street off George Street, or like. And we waited for MacNeil to come home. Well, the old man and I had finished a bottle of wine, but there was still a full one there, so MacNeil

Abbass: Who's the old man, Roy?

Ebsary: Eh?

Abbass: Who's the old man?

Ratchford: Jimmy MacNeil's father.

Ebsary: Jimmy MacNeil's father.

Abbass: Okay.

Ratchford: So, you had finished off that bottle of wine with him?

Ebsary: Right. Now then, MacNeil said, "Let's go down to the", what's the name of the tavern?

Ratchford: At that time, on the corner, it was the ah, Steel, City

Ebsary: No.

Ratchford: No, it wasn't, it was the, what the heck did they call that tavern.

Ebsary: The Helm?

Ratchford: Not the Helm, that was on ah,

Ebsary: The Helm was down on the Esplanade.

Ratchford: Gosh, I

Ebsary: What the hell is the name of the tavern? ... just at the bottom of the street.

Ratchford: Yeah, right.

Ebsary: Right. He said, "Let's go down there". He wanted to see some fellow, a friend, you know. So, I said, "I'll walk down with you".

Ratchford: It was the State Tavern.

Ebsary: The State Tavern. "I'll walk down with you". So, we went into the State, but the State was closed. So, how could we have drank any God damn amount of beer if the God damn tavern was closed?

Ratchford: Really.

Ebsary: You couldn't. It was impossible.

Ratchford: Um hum.

Ebsary: So, he's lying there. He said I drank at least about eight. He saw me drinking at least eight, and the tavern closed. Is this right? So, he's lying like a bastard. And the D.A. asked him, "Do you figure if you had been drinking before?" How many beer has he had before. MacNeil said he didn't know. But they assumed that I spent the God damn night at the Helm Tavern. I didn't. I spent the night up with MacNeil's father. This is right.

Ratchford: That man is still alive today and living at the, is it, the MacGillvray Guest Home.

Ebsary: Why don't you go see the old bastard?

Ratchford: We went up to see him, but he was asleep when we went there.

Ebsary: He was asleep?

Ratchford: Yeah. So, I think that might be a good idea. We'll go and interview him.

Ebsary: You are bloody right.

Ratchford: Yeah, and ah, we'll get that story from him.

Ebsary: Because I spent the night with that man, right up until I went to the, the tavern was closed when we

got out here, and the tavern closes at 11:00 o'clock, right?

Ratchford: Um hum.

Ebsary: The tavern was closed.

Ratchford: Yeah.

Ebsary: So, I didn't hang around. I head out and we took the shortcut through the park. The the shortest way home was through

Ratchford: The park.

Ebsary: Through the bloody park.

Ratchford: Was it raining, by the way, that night?

Ebsary: Yeah, it was.

Ratchford: Um hum. There's was one

Ebsary: It was raining, it was raining cause I was wearing a raincoat, you see?

Ratchford: Um hum. We checked with the Sydney Weather Office and, indeed, it was overcast and raining that night. Yet one witness on the stand said that it was a clear night.

Ebsary: No, it was not a clear night.

Ratchford: And that was an authority.

Ebsary: Yeah.

Ratchford: You know, that was one of the law enforcement.

Ebsary: Go away?

Ratchford: The authority said it was a clear night that night.

Ebsary: It wasn't a clear night. It was a God damn, a kind of a foggy, hazy and rain.

Ratchford: Yeah. The Sydney Weather Office confirmed that, they confirmed that.

Ebsary: Bloody right, sure.

Ratchford: So, after that stabbing, Roy, after that whole incident, was there much tension around your place the days following that?

Ebsary: No.

Ratchford: Did it, was it ever brought up in the family again?

Ebsary: No. Never.

Ratchford: Did Mary know that you had stabbed that boy?

Ebsary: I told her. I told her the next bloody morning.

Ratchford: Um hum. And um, did she have any contact with Jimmy MacNeil after that?

Ebsary: She met MacNeil coming up to the house and she told him, "Look, don't come near the house any bloody more". So that finished him. So, then he went to the police and told the police about the stabbing. That was when he went to the police. When the wife prevented him to come to the house anymore, to hit back, he went to the City Police and told what happened down in the bloody park, and they wouldn't believe him. And then they come up and pick me up and they brought me down there like, and they questioned me about blood on the hands and all that. And I said, "By geez", I said, "There was never any blood on the hands", and there wasn't.

Ratchford: Um hum.

Ebsary: Well, about a month after that, the R.C.M.P. stepped in. And they brought down an expert from Ottawa with his lie detector apparatus. And we went down to the Wandlyn Hotel, took a room, set up the apparatus, and they put me through that machine three fuckin times. Because the fellow who was ..... like this. But they never asked me one fuckin ..... They said, "Did you see MacNeil? Did you see Seale stabbed?" I didn't. It was too bloody dark.

Ratchford: So, you justified that immediately with

Ebsary: I justified it immediately. I didn't. It was too bloody dark.

Ratchford: What other questions did they ask you and how did you answer them?

Ebsary: They asked me if I saw who killed Seale. I said no. I didn't.

Ratchford: Did they ask you, did anyone, did the police or anyone ask you, "Did you kill Sandy Seale?"

Ebsary: Right.

Ratchford: Did any of them ask you that?

Ebsary: Oh yes.

Ratchford: And what did you say?

Ebsary: Well, they asked me, when they had me on that lie detector test?

Ratchford: Um hum.

Ebsary: I said no. I didn't.

Ratchford: Yeah.

Ebsary: Because, I said, the last time I saw Seale that night, he was running the length of the bloody park. And if you kill a man, he don't run the length of the park.

Ratchford: Did you tell them that he had accosted you?

Ebsary: Oh yes, sure.

Ratchford: Did you tell them that you did pull a knife?

Ebsary: I told them, when he demanded "all you got", "I want everything you got", so I started to empty the pockets and then finally when I put my hand in the what-do-you-call-it pocket, I came across this small pocket knife. So, I just slipped it open, like that. It was a small knife and I twisted it like, it was a small knife. There's a young French fellow had given it to me, like you know? Like that.

Ratchford: And did you tell the police, when they asked you, that you drove the knife into him? Did you, how did you

Ebsary: I told them, I said, I made a swipe, whether I connected or not, I don't know. And when I saw Seale run through the park, I still didn't know that I had gone into him.

Ratchford: Yeah.

Ebsary: I thought, the clothes he was wearing, I'd only got the clothes.

Ratchford: Did you tell them that you ripped Marshall in the arm?

Ebsary: Oh yes, I told them that.

Ratchford: And yet in the Court they tried to say that that was a self-inflicted wound.

Ebsary: Um hum.

Ratchford: You mean they literally completely ignored your own testimony?

Ebsary: Right.

Ratchford: After that, after the lie detector tests, and after Marshall went to Court, during that trial, did it ever occur to you that, that, you know, that you might have done something wrong?

Ebsary: No.

Ratchford: Did you feel that whatever happened to Marshall was his own fault?

Ebsary: It was his own bloody fault. God damn it, they attacked us. So, what do you do, you bloody fight back. And that first Judge, when I had the first trial, right? That Judge, the jury come out and they asked him to define, give them the definition of self-defence, and he turned around and he explained to them. He said, "If you are attacked, like Ebsary was attacked, under the circumstances, you are justified in using anything at hand to defend yourself. Anything. Now, he emphasized that. So, they came back with a hung jury.

Ratchford: Um hum.

Ebsary: But it was that explanation of self-defence that hung that jury.

Ratchford: Yeah.

Ebsary: You're bloody right.

Ratchford: So, somebody, some people, or some of the testimony said that after that happened, well, it was shortly after that you moved to Mechanic Street, wasn't it?

Ebsary: Yeah, right.

Ratchford: So, if Donna said that you became almost a complete recluse and that you kind of stayed just within the house, etc. and so forth.

Ebsary: I've always been a bloody recluse.

Ratchford: Yeah.

Ebsary: I've been alone all my life. I've been all over the bloody world, but I was a loner. I went to tour alone. I went to see sites alone. I went to my cabin alone. I God damn slept alone. Now, I've changed my mind. (laughs)

Ratchford: So, during those years at Mechanics Street, did you, was there any feeling of guilt or anything within you? Cause you are a man of esoteric arts.

Ebsary: Yeah.

Ratchford: You are a man who dwells in theology and everything else. You know the Bible just as well as any clergyman. You are a Minister in the Universal Life Church. Did you ever contemplate after that, for one minute, that maybe you were wrong?

Ebsary: No, I didn't.

Ratchford: And did you

Ebsary: Mind you, it's entered my mind lots of bloody times, but not that I was bloody wrong.

Ratchford: Yeah, yeah.

Ebsary: I could justify it. I figured it out like this. With one stroke, I put away two bloody crooks. I'd eliminated two bloody crooks from society. And I had. One was dead, that wasn't my God damn fault. That was the fault of the God damn hospital and the God damn doctors on the case when they bloody operated. So, I exonerated myself from any God damn guilt there. The other put in jail. I said fuck it. He fuckin well deserves it. So, I killed two birds with one God damn stone. Now that's the way I figured it.

Ratchford: So, now at this stage now, after all these years, and after this thing finally blown open again and them trying so hard to condemn you for the crime, and trying, in a lot of ways I guess, to try to ah

Ebsary: Crucify me.

Ratchford: Right. How do you feel about yourself as a warrior, first of all, as a fighter-back? Are you like they say, a senile retired recluse?

Ebsary: Are you kidding?

Abbass: Roy, can we get a look at some of the drugs that the doctor has you on?

Ebsary: Yes.

Abbass: How many different doctors do you have, Roy?

Ebsary: How many do I have?

Abbass: Yeah.

Ebsary: Jesus, how many have I got?

Abbass: Are these Court appointed doctors, Roy?

Ebsary: Oh no.

Abbass: These are all doctors that you got yourself, on your own?

Ebsary: Yes. These are doctors that I, I've had those doctors for the past 14 years. Gaum, Caddeux(?)

Abbass: Why do they have you on so many different drugs, Roy?

Ebsary: To try to keep me going.

Ratchford: Do you think that without the drugs, that you would die?

Ebsary: Yes. And they know. .... told me, he said, "You can fool the world, but God damn you", he said, "You're not going to fool me". He said, "You're dying in your bloody tracks. I know it.", and he said, "You know it".

Ratchford: How do you feel about that? What does it mean to you?

Ebsary: Without the bloody drugs, I kick the fuckin bucket.

(318 at Tape)

Ebsary: Ask me what nationality I am.

Ratchford: What nationality are you?

Ebsary: I'm a bloody Newfoundlander, and anybody who calls me a God damn Canadian, I might do what I did to Seale. (laughs)

(the video tape continues on discussing his Will and other things, but nothing more concerning the stabbing incident)

EXHIBIT 28

CITY OF SYDNEY POLICE DEPT.

STATEMENT

#28

Q How old were these fellows?
A Young Brown fellow — told I had to look out
Q What were they wearing
A I could not be able to tell you.
Q Not particularly neat?
A I believe Canadian I asked them where they were from when they asked me for the time, and they said Frisco
Q Were they white or colored
A Well the tall fellow I saw his face I thought he was white
Q What about the short fellow.
A I would say he was white too.
Q When did you go there
A I don't know
Q When did you go
A He went to my floor for a few minutes and then he went down to Haldenwell
Q When did you see him again
A The next day he and his father
Q Together?
A They just dropped in. It was the first time I actually met his father. I'd seen him the first time.
Q Was you in Bed that day?
A Yes I believe I was
Q What was you talking about
A They came to take a drink of wine with him and his father
Q Did he tell you the scale they had paid?
A No. I can't recall

MEDIA POOL COPY

Witness [illegible]

Date [illegible] Time [illegible]

Signed [illegible]

2e
Now 7/83
L.D.C.

CITY OF SYDNEY POLICE DEPT.

STATEMENT

12 Oct 1911 9.15 PM

Statement of Roy Elsom age 5 yrs
residing at 126 Victoria St Syd
Named:-

I remember one night I went and
Jimmie Neil met me at the Cross
we were going home when George St
across the Railway in the North Park
up to Crescent St.

What happened

When we were almost near to the Corner
of Short Buckhurst near Robbie
Robertson on Crescent St 2 Chaps
who were behind us came around
the side of us and asked us if we
had Cigarettes and if we had any money.
We told them we didn't. They asked us
to turn out our pockets so we turned
out our pockets. The first fellow
tried to take my ring off my finger
while the tall fellow had his arm
around the other fellow's throat (Jimmie)
and had him on the ground. When
he tried to get my ring I was not
well. I tried to wrench him he
slung me on the ground I made a
kick at him and he got up and ran off.
I went to see how Jimmie was getting
along with the other fellow and he
dropped him and ran off with the other
fellow.

Q Did you state the manner you were
arresting with

A I felt so much I told him

Sgt Det Bj Williams

Date 12-10-11 Time 10.11 PM

Signed Roy H Elsom

CITY OF SYDNEY POLICE DEPT.

STATEMENT

Q Do you carry a knife?
A No.
Q Does Jim still come to your house
A No. I have not seen him for a long time
He was not a regular caller at my house
Q Have you been to his house
A once
Q Can you tell me who this disturbance took place on Cleveland St
A after 11 P.M.
Q What month
A In May. The last night this boy was stabbed.
Q What were you wearing that night
A a Reversible Raglan. Blue.

Ray, N. Essary.

Witness Det Sgt Ingleton

Date 20-11-15 Time 10.10 P.M. Signed

N. #25

C O P Y CITY OF SYDNEY POLICE DEPARTMENT

Nov.15th,1971 - 9:15 P.M.

Statement of Roy Ebsary, age 59 years, residing at 126 Rear Argyle St. Sydney - Warned.

I remember one night myself and Jim McNeil were at the State Tavern. We were going home down George St. across the bridge in Wentworth Park up to Crescent St.

Q. What happened?

A. When we were about over to the corner of South Bentinck St. near Robbie Robertson on Crescent St., 2 chaps who were behind us came around the sides of us and asked us if we had cigarettes and if we had any money. We told them we didn't. They asked us to turn out our pocket. So we turned out our pockets. The short fellow tried to take my ring off my finger while the tall fellow had his arm around the other fellow's throat (Jimmie) and had him on the ground. When he tried to get my ring I was not well. I tried to wrestle him. He slung me onto the ground. I made a kick at him and he got up and ran off. I went over to see how Jim was getting along with the other fellow and he dropped Jim and ran off with the other fellow.

Q. Did you stab the man you were wrestling with?

A. Hell no, why would I stab him.

Q. How old were these fellows?

A. Young men - one fellow was tall - I had to look up at him.

Q. What were they wearing?

A. I would not be able to tell you.

Q. What nationality were they?

A. I believe Canadian. I asked them where they were from when they asked us the money and they said Truro.

Q. Were they white or colored?

A. Well the tall fellow I seen his face, I thought he was white.

Q. What about the short fellow?

A. I would say he was white too.

Q. Where did you go then?

A. I went home.

Q. Where did Jimmy go.

A. He went to my place for a few minutes and then he went home to Hardwood

Q. When did you see Jimmy again?

A. The next day, him and his father.

Q. For what reason.

A. They just dropped in. It was the first time I actually met his father. No, it was not the first time.

continued.....page 2

Q. Were you in bed that day?

A. Yes, I believe I was.

Q. What was Jimmy talking about?

A. They asked me to have a drink of wine, him and his father.

Q. Did he tell you the Seale boy had died.

A. No. I can't recall.

Q. Do you carry a knife?

A. No.

Q. Does Jimmy still come to your house?

A. No. I have not seen him for a long time. He was not a regular caller at my house.

Q. Have you being to his house?

A. Once.

Q. Can you tell me when this disturbance took place on Crescent St.?

A. After 11 P.M.

Q. What month.

In May. The same night this boy was stabbed.

Q. What were you wearing that night.

A. A reversible top coat - blue.

Signed: Roy N. Ebsary

Witness: Det. Sgt. M.J.McDonald

Nov.15th - 10:10 P.M.

By: Sergt. Det. John MacIntyre

'Just another incident' says man named killer

Continued from page A1

gridge was stabbed in Ebsary's Sydney flophouse. The knife missed his heart by a few millimetres; Mugridge almost died. Ebsary was charged with assault causing bodily harm.

While Ebsary was found guilty in March and then officially found innocent in September, reports of the stabbing in the local newspaper reached Marshall inside Dorchester penitentiary in New Brunswick.

It wasn't the first time Marshall had heard Ebsary's name. Several years earlier, Mitchell Sarson of Pictou County, N.S. — a brother of Marshall's girlfriend, Shelly — had moved to Sydney to live, by chance, in the same house as Ebsary.

One night as Sarson listened, Ebsary started talking about the Seale murder and his role in it.

Sarson got the information back to Marshall inside Dorchester. So in December, 1981, Marshall remembered Ebsary's name and contacted his lawyer, Stephen Aronson. A Royal Canadian Mounted Police re-investigation of Seale's murder began.

Temper flares

This week, almost a year to the day later, the results of the RCMP investigation are starting to come out in court testimony.

Who is the real Roy Ebsary? It's not easy to find out. One minute he seems, on the surface, a jovial and spry grandfatherly man. The next minute his temper flares and he can get very angry, as he did once during our interview.

To Dave Ratchford, of Sydney — who has known Ebsary almost a decade and who is planning, with a radio news reporter, to write a book on his life — Ebsary "has an air of mysticism about him."

"He's a 70-year-old man who, until last year, had gone through life unnoticed and now has suddenly stopped the Canadian legal machinery in its tracks," Ratchford says.

It's hard not to notice Ebsary's most distinctive appearance. He's only 1,89 metres (6 feet, [illegible] inches) tall and walks with a cane more for show than necessity.

Except when appearing in court, he's always wearing, at a rakish tilt, some type of sailor's or captain's hat over his white hair.

In his right ear he has a large gold earring.

He's the portrait of an old sea dog. "I love the sea, had many adventures aboard ships," he says.

But it's his face you never forget. He's almost a ringer for the late Col. Saunders of fried chicken fame. He has a tiny white goatee, a full moustache and bushy brows. He wears big glasses over a wrinkling oval face.

Ebsary's mind is nimble, his movements quick. "I'm the fastest blade in Canada," he says proudly.

Ebsary remembers the night of May 28, 1971, very well.

Both Marshall and a number of youths who were in Wentworth Park that night, but were never called to testify, gave police descriptions of a man seen there that night that fit Ebsary.

Ebsary had another close call the week after Marshall's trial in November, 1971. Ebsary's companion in the park, Jimmie MacNeil, felt badly about Marshall being convicted and told Sydney police the whole story.

'Don't die'

Ebsary was also brought in for questioning.

"I told the police I didn't know anything," Ebsary said Monday. "They completely exonerated me. But they also made me swear never to tell anyone I had been questioned."

Donald Marshall was certainly never told. If he had been, he might have identified Ebsary and MacNeil and history would have been very different.

What will happen now to Roy Ebsary? His health is failing after a life of admitted heavy drinking. A broken marriage, years at sea and years in Sydney's streets and run-down rooming houses.

He will be kept in the correctional centre until March 8. "My doctor keeps telling me, 'Don't die on me, Roy.'"

Man jailed 11 years denies stabbing pal

Continued from page A1

MacNeil remembers it — and Ebsary pulled out his knife.

Asked why he failed to mention the robbery attempt during his 1971 trial, Marshall replied: "The robbery probably would have been used to cover up the murder."

Donna Ebsary described her father as a man with "a great potential for physical violence." She testified that MacNeil and her father came home late on the night of May 28, 1971, and MacNeil was "very excited."

MacNeil told Ebsary he "did a good job back there" but Ebsary told him to "shut up" in the daughter said.

Her father went to the kitchen, washed off a knife he was carrying, and put it upstairs in his room, she said. MacNeil told the court that what Ebsary washed off the knife was blood.

On the news the next day, Donna Ebsary heard Seale was stabbed in the nearby park. She said she knew her father did it.

Only 15 years old at the time, she said yesterday she could not find the knife. "If I could have found it somebody might have listened to me."

Testimony barred

She said she has no feelings for her father, a man "who liked to drink a lot, liked to read a lot and liked to play with knives."

The hearing, scheduled to last two days, continues today. Two youths who testified against Marshall in 1971 were to testify again, along with a Royal Canadian Mounted Police fibre specialist and Roy Ebsary's son, Greg.

Jimmy MacNeil: Tells the court that Roy Esbary "took out a knife and slit Mr. Seale up."

The judge heard 4½ hours of detailed testimony about Ebsary, Marshall and the events in the park. But Chief Justice Ian MacKeigan ruled out any testimony about the Sydney police force's investigation of the murder.

Marshall testified in a quiet voice and often was asked to speak up. For over an hour he was intensively cross-examined by Crown prosecutor Frank Edwards, mainly about the robbery.

Marshall first refused to answer whether he robbed anyone before May 19, 1971. But then he admitted he confessed to such crimes in an earlier statement to the Mounties, when that statement was read out in court.

As the cross-examination continued, Marshall said: "I'm dealing with a murder here, not a robbery," and "I'm burnt out, I'm tired of answering questions."

I can't say if Hambleton

Birds' best friend: Retired sailor Sym
Square flock to him regularly to enjoy
group of pigeons have come to depe

Deal was se

Continued from page A1

lo's rent review laws allowed a new owner to pass on to tenants increased financing costs as long as the financing did not exceed 85 per cent of the purchase price. So by raising the costs of the Cadillac Fairview properties, the new owners required additional mortgage loans and the increased finance costs could have legitimately been passed on to the tenants.

But under the intense political

Justin's parents w ruling he's mental

The parents of cerebral palsy victim Justin Clark will not appeal a county court judgment declaring their son mentally competent.

Greg Kelly, the parents' lawyer in Ottawa, said the decision was taken yesterday not to appeal. He refused further comment.

Justin's lawyer, David Baker, of

FINAL EDITION

Man who served 11 years hears another named as real killer

Adam Sherry Special to The Star

HALIFAX — After spending 11 years in jail for murder, Donald Marshall has heard two witnesses say it wasn't someone else stabbed a schoolchild boy to death.

The witnesses yesterday named Roy Ebsary, 70, of Sydney, N.S., as the killer of Sandy Seale. Ebsary is being locked in a Cape Breton jail since Nov. 4 on an unrelated weapons charge.

One witness said Ebsary "took out a knife and stit Mr. Seale up" after Seale had demanded money from him in a Sydney park the night of May 23, 1971.

"Bothered me"

Yesterday was the first time a court heard testimony from Jimmy MacNeil, 37, who was the fourth man in Wentworth Park the night of the murder.

He was never called to testify during Marshall's trial, but said he told Sydney police what had happened a week after Marshall was found guilty.

"It bothered me. I wouldn't like to go to jail for something I didn't do," MacNeil told the five judges of the Nova Scotia Supreme Court appeals division. They are conducting a special hearing ordered in June by former justice minister Jean Chretien.

Also naming Ebsary were his daughter, Donna Ebsary, 28, from Waltham, Mass., and Marshall, who gave [illegible] Ebsary in 1971, but didn't know his name at the time.

Out for money

Marshall, a 29-year-old Micmac Indian from Sydney, was released from Dorchester penitentiary March 30. He served 10 years and 10 months for the murder of Seale, his friend.

In his testimony yesterday, Marshall admitted for the first time in court that he and Seale intended to rob Ebsary and MacNeil.

"I'm not denying I was out for money that night," he said.

Marshall and MacNeil said they were standing side by side when Seale said: "dig, man, dig" — as

See MAN/page A4

'Just another incident' says accused, aged 70

Special to The Star

SYDNEY, N.S. — To the 70-year-old Cape Bretoner named in court yesterday as having stabbed Sandy Seale 11 years ago, the stabbing "was just another blooming incident."

Roy Ebsary also has a few words on the ordeal of Donald Marshall, who spent 11 years in prison for that murder. "It's immaterial to me whether Marshall spent 10 years or 25 years in prison. I didn't put him there."

Meet The Rev. Capt. Roy Newman Ebsary, as he likes to be called. Seadog and psychic, fanatical knife collector and supposed co-author of seven Vanity Press books, retired chef and minister in the Universal Life Church Inc., father of two children and stepfather of four others, a mysterious man well-known in Sydney for walking the streets in a black cape and a captain's hat.

He's also the person who was implicated in Seale's stabbing death by a man who was with Ebsary in Sydney's Wentworth Park on the night of May 23, 1971 — and by his daughter.

But Ebsary wasn't in the Halifax courtroom yesterday when the evidence against him came out in the Donald Marshall appeal hearing. Instead, he is locked in the maximum-security section of the Cape Breton County Correctional Centre, just outside Sydney. He's serving six months for a Nov. 4 charge of possessing a concealed weapon.

The Star interviewed him inside the prison Monday afternoon.

Ironically, it was another criminal charge in December, 1981, involving Ebsary that helped reopen the Marshall case.

On Dec. 4, Wilfred (Goody) Mac-

See JUST/page A4

KEITH MCINNES / TORONTO STAR

Implicated: Cape Breton seadog Roy Ebsary, 70, was named yesterday as the man who stabbed Sandy Seale in 1971.

ALBERT LEE / TORONTO STAR

Back in court: Donald Marshall (left) and his father, Donald Sr., take a cigarette break during Nova Scotia Supreme Court hearings yesterday. Court was told someone else committed the murder in Sydney for which the younger Marshall was jailed almost 11 years.

I never spied for the Soviets Hambleton says

LONDON (CP-AP-UPI) — Canadian professor Hugh Hambleton, a former NATO economist on trial in a British court on charges of spying for the Soviet Union, denied today that he ever spied against Canada or Britain.

Taking the witness stand after the prosecution completed its case, Hambleton said he never communicated any information to the

agent defence in cross-examining the Scotland Yard Special Branch officer who interrogated Ottawa-born Hambleton, 60, after his arrest in London last June.

"Are you aware the defence in this case would be that Hugh Hambleton was at all material times a Canadian and French agent who successfully penetrated the Russian espionage organization?" Lloyd-Eley asked.

Det.-Supt. Peter Westcott replied that the

Exhibit Number: 29

Filed on: SEP 15 1987, 1987

At The Hearings of The
Royal Commission On The
Donald Marshall, Jr., Prosecution

Malcolm Williston,
Registrar

EXHIBIT 30

CITY OF SYDNEY POLICE DEPT.

STATEMENT

May 30th 1991 5:15 PM

#30

Statement of Raymond Vincent Chant age 15 yrs residing at ~~[illegible]~~ Main St Louisburg C.B.

Friday night I was in town and I left the Bus terminal on Bentinck St at about 11:40 PM I walked down Bentinck St I came over Byng ave and started to cross the tracks. I got home way across the tracks first I seen 2 fellows walking and 2 more was walking kind of slow talking the 2 fellows who stabbed Donald Marshall a study Seale they talked for a few minutes over on Crescent St one fellow hauled a knife from his pocket and he stabbed one of the fellows so I took off back across the tracks to Byng ave and started to walk toward the Bus terminal then I seen Donald Marshall coming down I turned around and started to walk the other way Donald caught up to me and said look what they did to me. He showed me a long cut on his left arm. then he said help me my buddy is over on the other side of the track with a knife in his stomach then we started to look for more help we meet some Boys & Girls one of the Girl gave Donald a handkerchief we got a car to take us over to where Seale was laying on the Pavement I took my shirt and put it around his waist and Donald went to a boy house and asked the man if he would call an ambulance

MEDIA POOL COPY

Witness

Date Time 5:35 P.M. Signed Raymond Chant

CITY OF SYDNEY POLICE DEPT.

STATEMENT

about 10 minutes later I went up and asked the man in the house to call again and I knelt down beside Sandy Slade and he said it was hot I unbuttoned his jacket I then discovered his stomach was cut. I took my shirt and put it where the cut was and made him comfortable then the police arrived. They called for the ambulance. He was taken to the Hospital.

Q Did you know these other 2 men
A no.
Q Did you know Ronald Marshall
A I knew him to see him
Q Did you know Sandy Slade
A no
Q Could you give me a description of these other men
A one man about 6 ft 2" light Brown Hair Dark Pants Shirt Coat on 200 lbs. the other fellow 6 ft tall Dark Pant. Dark Hair 165 lbs.
Q Did you see their faces
A no.
Q would they be young or old
I was not that Lady.
Q was there just 4 men there
A yes
Q Did you see any knife
A yes I saw a figure of a knife
Q How far away would you be
A 45 ft or more down the tracks.
Q Could you tell if Marshall was drinking
A I would not say he was

Witness

Date Time 5.35 P.M. Signed Raymond Olsen

EXHIBIT 51

#31

June 4th 1971 2:55 PM

Statement of Maynard Viant Chant age 14 yrs residing at 3 Main St Amesbury Ca.:

Last Friday night after 11:30 PM I left the Cadieux Times on Bartlett St and walked down Bartlett St to the tracks. Then I started down the tracks towards Seaport I noticed a Dark Haired fellow sort of Hiding in the Bushes about 1 yrs. The Road Crossing Crescent St.

Q Did you know him

A No I did not know his name but I seen him before out at the Dawson Country

Q Did you see him since

A Sunday afternoon at the Police Office Hearing. I walked by this fellow on the track I looked back to see what he was looking at then I saw 2 fellows standing about 1½ ft from each other on Crescent St near the house with the Railing up the middle of the steps. The same house which I called the Police from. a red man with Grey Hair & Glasses answered the Door

Q where they the same size

A one was taller than the other

Q which one was facing you

A Short Dark fellow was facing the tracks

Q the taller man was facing the houses

Q at this pt did you recognize either of these men

A The only man I recognized was Marshall

Q what was he wearing

A Dark Pants and I think a yellow shirt with the sleeves up to the Elbows

Maynard Chant

3:45 P.M. Sgt Hal Sgt Tom Hufeland

Then the other boy said Hello and Donald Marshall said the 2 fellows. He said my Buddy Dron the other side of the Park rather knife to his stomach. Then they said they would try and Help us at the time a Car Came along, and Donald stopped it and we asked for Help.
They picked us up and Drove to the other side of the Park and we stopped about 6 ft away from Beale; at this time Beale was lying on the opposite side of the street. Donald Marshall got out Came over Near the Body of Beale and stood there. There was another Man Came along and Knelt by Beale and then went to a house and Called an ambulance. Then he Came back and Knelt along side of me about 5 minutes I asked the Park Hand fellow to look after Beale. He did not up and Called again and forgot to state that the minute I got to Beale I put my white shirt on his stomach. I said Hold it and he mumbled. Police and ambulance arrived and he was taken to Hospital.

Q Did Donald Marshall Call the Police relations at anytime

A No

Q Did you

A yes first at the house with the Bailey Conjelen the Patrol of the steps

Q who was with you

A Marshall stayed on the sidewalk.

Q Was there any other Conversation between you & Marshall at that time.

A He said I see two 2 men told me had been Hair alone the stabbing

Q This of Course Did not Take

A No

Signed Stephen Hegelmann

Witness Chart 3.45 P.M. 6/27/61

I wish to say that when he was
arguing I mean Donald Marshall
with the other man his sleeves were
down to his wrist at that time.

Q How long were you in the tracks watching
them

A about 5 minutes

Q Could you hear what they were talking about

A No. I just heard a mumbling of swearing
which Marshall was the one
who was doing most of the swearing.
Then I seen Marshall haul a knife
from his pocket and jab the other fellow
with it in the side of the stomach.

Q what side

The Right side I seen him jab him
in it and slit it down

Q How could you tell it was a knife

A By the flash of it It was shiny and
long.

Q. what happened then

when Marshall drew the knife he
walk he ran over the Jackman
toward Seaquist down the tracks
I went to the Park through the Park
then up to Seaquist crossed the tracks and
then in the Spring was about 3 hours since
I meet Donald Marshall and he said
look at my arm It was his left arm
his sleeve was up. The cut was on
the side of his arm it was not a deep
cut and it was not bleeding at that time
until we caught up to 2 Boys & 2 Girls
who were walking. Donald said Could you
helpus. One of the fellows said what for
man. Then he said look what they
done to me

Maynard Chant

Joshua McNeil
Sgt Det Det
5 4 5 PM

Jura

Benedek Csaszar witness.

Lawrence Burke - Probation Officer

Trust Co.

Chief Wayne R. Wilkes

Vignetta Angeloff.

Exhibit No. 35

Filed on: _____, 19__

At The Hearings of The
Royal Commission On The
Donald Marshall, Jr., Prosecution

Marian Willisto
Registrar

3 June 1971 — Loc # 3
P.C. Walsh.

1969 CHEV – WHITE

PH # 22-14-56 – N.S (71)

Centennial Park – 11:15 P.M.

4 June 1971 — Loc # 3
P.C. Walsh

Tom Christmas. – Chg. 05/06/71 warrant
John Christmas. }
Lawrence Paul. } Juvenile

Off seen Arrest and Chg.
Sec. 119(1) C.C.C.

(1) The accused person of 1971 appearing in court in 1982 could almost be considered a hostile witness. He was reluctant to answer questions and when compelled to answer by the court he was evasive, and the truth had to be extracted from him by the crown. He was cautioned over a dozen times to speak up to be heard.

Observation: The credability of this witness was a total loss, he was unable to function in any question and answer situation. His testimony was in direct conflict with statements given to the RCMP a short period of time before the hearing. I would suggest that he had been coached as to the evidence he would give but was unable to play the role. The only conclusion the court can arrive at is that the actions of this man were not consistent with those of a man trying to proclaim his innocence to the world.

Motive Robbery

(2) James W. MacNeil

States he had never seen Marshall before the incident in 1971 and had never seen him since that point in time yet he was able to identify Marshall in court in 1982. Mr Edwards did not pursue this evidence but the appearance of Donald Marshall today at 29 years of age with short hair and neat appearance is in complete contrast to the 17 year old youth with long hair to his shoulders in 1971 and after eleven years it would be virtually impossible for anyone to identify any person seen in the dark conditions of the park on that night May 28/71. MacNeil was drinking heavily on that night and in a state of fear. MacNeil by his testimony contradicted Marshall's evidence. MacNeil is the only person to testify that someone other than Marshall stabbed Seale. The question here is after the court seeing and

the individual MacNeil as to how they place any credence in what he had to say.

Patricia Harris,

Appears to be unsure of her evidence in 1971, also is not consistent with her evidence in this hearing as it relates with the affidavit she gave the RCMP in 1982. It would seem that she was relating what she was told rather than what she remembered. The court would have to consider her background at 14 years of age, drinking, keeping company with a man 5 years her senior, and the home life in that situation existed for a period of time ranging from one to two years.

Chief

After reading the evidence very carefully, I see nothing that could reflect on the investigation conducted in 1971, or on the Police Officers who conducted the investigation. The matter was most serious (Murder) and the hearing in Halifax and the testimony given at the time by the accused Donald Marshall and the witnesses, MacNeil, Harris and Chant only served to inform the learned Judges that the investigation was thorough, that the truth was the object of the investigation, and if the truth was not forthcoming at that time that witness must weigh heavily upon those who distorted the facts. It is not possible now to shift the burden of perjury to any other source but themselves.

In conclusion I would say that if the court does not accept James MacNeil's testimony then the only decision they can render is to reflect the conviction of 1971.

Pg 8 - What happened to the exhibits

Pg. 15 - He fainted to a house and said he had been there.

Pg 20 - A car stopped, he knew the people.
21 - They all got out of the car but he didn't know the people.

Pg 21 - Died at trial.

Pg 13 - Walked talked with Harris & Joshua in the park for 5 min. He was alone
34 - Not sure when he met the Alley
38 - Harris met Jr on Crescent about two white persons with him - not Scale

Pg 34 - Marshall sees Clancy and Mrs Mitchell together in park with the others. Not supposed by witnesses.

Pg 73 - 79 Statements [illegible] Complete with Trial testimony

Pg 88 - Scale was [illegible] shot, flapped - they certainly [illegible] the wound.

Pg. 93 - Knife described as pocket knife, folding type 6" or 8" length.

Pg 94 - Mr. Neil refuted Jo's testimony re tripping on curb.

Pg 98 - denies any conversation with accu

Pg. 163 - O'Reilly statement ???

Patricia Hennessy was not questioned re conversation with Marshall in story

Pg 185 - Mother got up of coarse - Burke allowed to remain.

Pg 186 - Chant stated Jo was after the truth

Pg. 189 - Chant was relaying Jo's story what he observed. Father denied the statements.

Pg 190 - Denied knowing Marshall - Guestio
191 by Court.

Pg 204 - Greg Elsey denied running commentary with Mr Neil after the accident. Mr Neil testified he [illegible]

Pg 211-212 - Elsey testifying expertise of [illegible]

[illegible] 214 - Segment on jacket blue [illegible] connected with [illegible] as Mr [illegible] [illegible] the accident.

Cut Examination - [illegible] blood [illegible] yellow nylon jacket (refer to pg 106-107)

) Exhibits poorly packaged [illegible] [illegible] procedure.

Edwards - intoxicated in cross-examination many questions not answered. He was ~~[illegible]~~ several times coached and admonished by the court.

Cape Breton Hospital

P. O. BOX 515 PHONE 539-3370

SYDNEY, NOVA SCOTIA

B1P 6H4

September 16, 1987

Mr. Wylie Spicer
Commission Counsel
Royal Commission on the
Donald Marshall, Jr., Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, N.S. B3J 3K5

Dear Mr. Spicer:

Re: John Pratico

Considering John's past history and his present clinical condition, in my opinion, it will be detrimental to his mental health and his testamentary capacity if he is given television exposure.

I hope you will consider this, and I would appreciate if this could be avoided, if at all possible.

Thanking you, I remain,

Sincerely yours,

M.A. Mian, M.D., F.R.C.P.(C)
Medical Director

/pm

Exhibit Number: 36
Filed on: SEP 18 1987, 1987
At The Hearings of The
Royal Commission On The
Donald Marshall, Jr., Prosecution

Malcolm Williston,
Registrar

I was called at home by
Lt Ben Mac Kellway, and I
proceeded to the City
Hospital in my own car, on
arriving they were taking in
very scale. Leo Carey and
Lancelle. I noticed
Lancel Marshall in another
small room and he had a
cut on the inside of his left
arm, about 10 ins from his wrist
I questioned him as to what
happened and he said two men
stopped them in the park
and asked for a Cigarette,
he said he gave them a
Cigarette &
then one of the men pulled
out a knife and said give
scale this is for you
~~and drew it into scale~~
Black Man, and then he
drew it into scale, he
then made a slice at me
and I covered up, let him
cut me, I then made a
kick at him, aiming the
head, and then I ran
away to Berlich St
I hit the sign post
when I ran.

Cy. 38
Gen

Then went to the room where Seale was, and asked that I could ask him a question, as to what happened. I was asked to leave by Dr. Then helped Dr. Dr, nurse and orderly to lift Seale from one stretcher to another, and he was removed to the 3rd floor.

Doreld Marshall was stitched up, and given a needle, and was released to his cell.

L. Heavy Set
Short -
Dark Blue Coat. To KNEES.
Hair - Grey.
Black Low shoes.
Wearing Glasses.
Dark Pants

F Tall - 5-11
Black Hair
Clean Shaven
Corduroy Coat 3/4 Length
Brown in Color

Donald Marshall taken
from County Jail to be
fingerprinted. Boy left
with Mrs Donald. Tom
Christmas was also
taken down for prints
at Charlie Wall.
Mr. - Arnold Joseph
picked them up at the
County Jail, and returned them

June 16 - possessions
to Lockville are
turned over to Mrs Duff
One Jacket. Re Donald
Marshall
1 Coat. Re Lorly Neal
Echo were left at the lock
for Mr Arnotemar

To Check situation on
May 28th. Police
officers on Call.

[illegible] Jason Robinson

[illegible] 5 [illegible]

[illegible]

[illegible] 13

[illegible] Eve

[illegible]

[illegible]

Fabrics

#39

CANADA
MAGISTERIAL DISTRICT OF THE PROVINCE OF NOVA SCOTIA

This is the information and complaint of **Sergt. M.R.McDonald**

of **Sydney** in the County of **Cape Breton**

for and on behalf of Her Majesty the Queen,

hereinafter called the Informant.

The Informant says that he has reasonable and probable grounds to believe and does believe that

DONALD MARSHALL

of Membertou, Sydney

in the County of Cape Breton at or near **Sydney**

in the County of **Cape Breton**, Nova Scotia, on or about the ~~XXXXXX~~

1st day of **May** 19 **71**

Did without legal justification or excuse and without color of right unlawfully and wilfully damage one "No Parking Sign" to an amount not exceeding $50.00, the property of the City of Sydney, contrary to Section 373 of the Criminal Code.

Sworn before me this

3rd day of **May**

19 **71**, at **Sydney** in

the County of **Cape Breton.**

A JUSTICE OF THE PEACE IN AND FOR THE MAGISTERIAL DISTRICT OF THE PROVINCE OF NOVA SCOTIA

M. R. MacDonald
Informant

I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL COURT RECORD.

DAVID A. BURKE
CLERK OF THE PROVINCIAL COURT

Date of Birth: 13-9-53

No. A637

Master Number:

Registration No.

DATE: May 3 1971

Address:

THE QUEEN

vs

Owner:

Occupation: Rlastrer

Marital Status: S

Oneal Marshall

373 Cu

INFORMATION

SECTION

Prosecutor:

Defence Counsel:

Court Reporter:

Date of Cert .....

Date Fine Pd .....

Date of W/C .....

Date Committed .....

Date Summoned ..... Adjournments .....

Place of Trial Sydney .....

Date of Trial May 4/71 .....

Plea Not guilty

Grade in School 5 .... Date .....

Found Not guilty

WITNESSES:	DISPOSITION
Name	Sentence .....
Address	Fine .....
Name	Court Costs .....
Address	Police Costs .....
Name	Penalty .....
Address	Witness Fees .....
Name	Restitution .....
Address	TOTAL .....
	In Default .....
	Pay on/before .....
	Liquor Seized .....

08/19/71

40

Staff Sgt.
Wood.

#40

27 - May - 71

9 Am - 11 Am Office of Sydney City Police Station Re: Stabbing on Wentworth Park early A.m. this date Two Deceased. Seal & Marshall.

Conversation with Edward Mac Neil & Robt Mac Intyre

feeling at the Time Marshall was responsible and incident happened as a result of argument between both Seal & Marshall.

Mentioned Botany Park incident two months previous when knife was used. Thought at the time it had no connection.

Only description received from Marshall was a man 45/50 yrs with grey hair.

30 - May 71 ✓

9 am - 10 Am Office
Discussion with Edward
Mr. Nat & Wyman Young
both Legal. City Police re
Stabbing and murdering
murder. Both of opinion
Marshall responsible.
names [redacted]
of N. W. Pl. given to them
as possible suspects.
[redacted] has grey hair
recently release Dorchester
believed living in Legal.
on parole.

31 May 71

8 Am - 9 Am Office Re:
General Duties. Mad
Discussion of Arab Market
9 Am - 11 Am Local Re: General
contacting of merchants
observed Lt Blue Volks
parked on 14th street near

Chas H Cruz Pickpocket
N.Y. Lic 9993-OR.
Noticed grey haired man
with grey beard 80/90 yrs
standing in front of
Regal bed without appeared
to be stranger
Later observed man 33/38 yrs
brown hair receding hair
line wearing blue T-shirt
showing above waist belts.
Appr. Staggering entire subject
went Lord's Pharmacy purchased
chocolate bar & left walked
down towards bowling alley
as I went across bookstall
at Mall. Subj. I purchase
anything walked out got
into taxi & drove out
Point Towards K. Mart.
Appr. City Police advised

10m - 3pm Local R. [illegible]
Sub - Marshal of Westbrook
Park. Pick-up Pat McLaughlin
3pm - 4pm Office
4pm - 6pm Local Athletic
Club Race Contesting
Infantry R. Sub-Marshal
Reunion with Capt. O.P.
Petersen and Lt. Col. Ryan
Dismount - Marshal on Legett
8pm - 12mn Patrol on Sea Bay
Contesting Def. R. Office
at Second N.C.C.

[illegible]

29-5-71 - RTO
30-5-71 - RTO

31-5-71 - La Rosa W/W.
Passport 9993-OR - N.Y -
Orange & La Rosa. 9½ mm.
Cotton Pants + Cowboy Hat -
Male - 5'11 - Long Hair,
Long beard - 30 →.

Eyewitness - 814800 Ons
Contact. 63 Pontiac - B/W.
2 persons.

31-5-71 - 8³⁰ A - 5 p. Patrols
Headquarters H04-37
r. Cont. City Police
r. Murder. Cont
Lincoln White W/W Pass.
Ons. Reg.

1-6-71 - 8³⁰ A. - 5 p. Murder
Lincoln. 93. 183 Cin.

3/6/71

8 30 am - 12 Noon. [illegible]
re S-183, [illegible] on
[redacted] -281-CC
[illegible]
1 00 pm - 6 00 pm. [illegible]
[illegible] requests
S-32 - County Board re
[illegible]
8 00 pm - 12 30 am - [illegible]
[illegible] re [illegible] and
Sydney City Police re.
Senate Member - [illegible]
Cal.

4/6/71

8 30 am - 12 Noon. Patrick [illegible]
and [illegible] Mary Cross re
[redacted] -281 CC.
1 00 pm - 5 00 pm. Patrick [illegible]
[illegible] and Cal Smith
re. Express Act Senate
Senate Member.

#41

29-5-71 - RTO
30-5-71 - RTO

31-5-71 - [illegible] W/W.
Passport 9993-OR - N.Y -
Orange & [illegible] 9 [illegible]
[illegible] Paris + Charlotte -
Made - 5'11 - [illegible],
[illegible] - 30 →.

Explosives - $14800 [illegible]
Convict. 63 Pontiac - B/W.
2 persons.

31-5-71 - 8 30 A - 5 p. Paris
[illegible] H04-37
r. [illegible] City Police
r. Murder - [illegible]
[illegible] White W/W Pass.
[illegible] Reg.

1-6-71 - 8 30 A. - 5 p. [illegible]
[illegible], 93. 183 [illegible]

3/6/71

8 30 am - 12 Noon. [illegible]
re S-183, [illegible]
[redacted] -281-CC.
[illegible] 12 [illegible]
1 00 pm - 6 30 pm. [illegible]
[illegible] requests
S-32 - County Board re
[illegible].
8 00 pm - 12 30 am - Police Source
[illegible] re [illegible]
Sydney City Police re.
Sex Murder - Prime
Cut.

4/6/71

8 30 am - 12 Noon. Police [illegible]
and attended Magistrate
[redacted] -281 CC.
1 00 - 5 00 pm. Police [illegible]
[illegible] Gov Source
re. Express Act Sex
Sex Murder.

C.B. POST - MR. 29/1971 Pg. 3 64-42

PROTEST INCREASES

- DISPUTE CONTINUES -

Union Must Produce 57 Membership Cards

The long-simmering dispute over union representation for trawler fishermen in the Canso Strait area moved into another stage Friday with the announcement that the Canadian Food And Allied Workers will be required to prove it represents a majority of the men.

The announcement came from Homer Stevens, president of the rival United Fishermen and Allied Workers, after he met with five members of the Provincial Labor Relations Board here. Mr. Stevens said after the two-hour meeting that the board had told him the FAW will be required to produce the 57 membership cards it claimed it had when it received certification to represent the trawlermen earlier this year.

Acadia Fisheries Ltd. of Canso signed a voluntary agreement with the CFAW March 9 that was later ratified by the Labor Relations Board. The UFAW challenged the contract, claiming that the CFAW did not (repeat not) represent a majority of the men. However, the contract was upheld by the board.

Earlier this month, the UFAW received permission to re-apply for certification to challenge the CFAW's pact with Acadia. Friday's announcement that the CFAW would be required to show membership cards is the first step in that process.

Mr. Stevens also told a news conference Acadia will be asked to provide a list of the men employed when the contract with the CFAW was signed.

Labor Relation Board members and CFAW officials were not immediately available for comment on the decision to require the CFAW to produce the membership cards.

In Canso, an official of Acadia said he did not think the company would object to providing the employment lists.

Both unions have claimed to represent a majority of the trawlermen. The UFAW claims 81 men were fired by Acadia when they refused to join the CFAW after the contract was signed.

Mr. Stevens said there "can't be any industrial peace" in the Canso area until fishermen are represented by the union of their choice. He said the Labor Relations Board did not place a time limit on when the CFAW will have to provide the membership cards.

He also said that trawlermen who refused to join the CFAW are having a difficult time receiving unemployment and welfare benefits. "People are being forced by starvation to move out of the province," he charged.

Mr. Stevens, who was accompanied by about 10 UFAW members, also expressed "concern" over the removal of Rev. Ron [illegible] from his posi-

PARK INCIDENT

Two Men Injured

City Police, led by Detective Sergeant Michael R. MacDonald, are seeking a knife-wielding assailant who attacked two men in Wentworth Park early today.

One of the men, Sandy Seale, of Westmount, underwent emergency surgery in City Hospital for a wound in the abdomen.

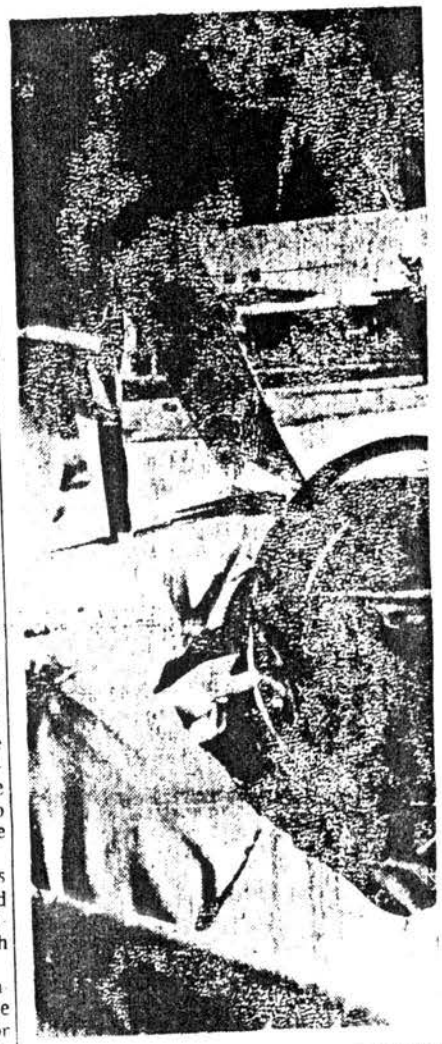
The second man, Donald Marshall, Jr., was released from hospital after treatment for a gash in the left arm.

The men were taken to hospital shortly after 12:15 a.m.

United Appeal Rally Monday

The Cape Breton County United Appeal holds a campaign organization rally Monday evening in the Wandlyn Motel, it will be the final gathering until September when the annual campaign is launched. The meeting begins at 6:30 p.m. with a reception.

All county chairmen and deputy chairmen are expected to [illegible] stressed that an additional $90,000 is required to meet the needs of member organizations



- TO CHEC

RCMP To

With the advent of the summer tourist season bringing with it anticipated increases in motor vehicle traffic and thereby the increased potential for highway accidents, the R.C.M. Police in Nova Scotia are preparing to intensify their efforts in the enforcement of the provincial traffic laws with a view to reducing accidents. Effective June 1, R.C.M. Police Highway Patrols will officially adopt the use of "VASCAR" as a part of the total traffic enforcement program.

VASCAR (Visual Average Speed Computer And Recorder) is an electronic speed calculating device which enables police officers to check the speed of motor vehicles whether they are approaching or travelling away from, behi[illegible] moving poli[illegible] ling at righ[illegible] street and [illegible] irrespective [illegible] the police [illegible] in motion.

VASCAR [illegible] proven pr[illegible] equals dista[illegible] With VASC[illegible] can mea[illegible] a moving [illegible] specified [illegible] these mea[illegible] tronic devi[illegible] putes the [illegible]

Following [illegible] and the s[illegible] of appropri[illegible] and confir[illegible] police per[illegible] has been [illegible] with other [illegible] checkin[illegible] past seven[illegible]

Scotia, and Rt. Rev. G. F. Arn[illegible]

Cape Breton Hospital

P. O. BOX 515 PHONE 539-3370

SYDNEY, NOVA SCOTIA

B1P 6H4

#43

& 43

September 16, 1987

Mr. George MacDonald, Q.C.
Commission Counsel
The Royal Commission on the
Donald Marshall, Jr., Prosecution
St. Andrew's Church Hall
Bentinck Street
Sydney, Nova Scotia

Re: Roy Newman Ebsary

Dear Mr. MacDonald:

At your request I saw the above-named at the Cape Breton Mental Health Clinic on Tuesday, September 15, 1987, and spent approximately 1 1/2 hours with him.

I have also read the transcript of his testimony before the Royal Commission and reviewed his psychiatric records from both the Nova Scotia Hospital and the Cape Breton Hospital.

I have also discussed my findings with you in person.

At your request, I will give a summary of his background and history, and try to answer the four questions you specifically posed for me.

Roy Newman Ebsary is a 77-year-old, separated male, the oldest in a sibship of 10 or 11 who was conceived out of wedlock by his stepfather's older brother (killed in 1916 in World War I) and who only discovered his illegitimacy in late middle age. He was reared largely by his grandmother and lived a rather isolated existence with this probably a rather imaginative old lady throughout most of his

Early life. He has a Grade IX education, but has read quite widely, he says.

He lived common-law with one woman for 30 years and has two children by her and adopted her four children by her first husband. They are currently separated. He admits to being bisexual, but does not admit any specific homosexual activities. He denies abuse of alcohol or other substances, but his psychiatric admissions would surely suggest that this is not the case. He has had several admissions both to the Cape Breton and the Nova Scotia Hospitals. When last discharged from the Nova Scotia Hospital (July 30, 1982), his final diagnosis was (1) Chronic Brain Syndrome (reversible and in remission); (2) Chronic Alcoholism; (3) Congestive Heart Failure; (4) Chronic Obstructive Lung Disease; (5) Peptic Ulcers.

You posed four questions for me to attempt to answer, and I will endeavour to do so at this point.

First question was, "Can any credence be given to what he says at all?"

The answer to this, in my opinion, is that there probably is. My impression from what he says, and from reading over the different accounts he has given over a number incidents in his life, is that though some of the details may change, the outline remains remarkably consistent, as indeed do some of the details. However, I think he gives us a kind of caricature of the truth, which tends to reflect glory on himself and ignominy on others. I think that his I.Q. level is most likely that indicated by the psychological testing that has been done in the past, i.e., in the upper limits of normal range. However, his ready wit, his considerable vocabulary and his lack of inhibition before a crowd, probably conveys to onlookers an exaggerated idea of his intelligence. You asked specifically concerning his stories about sinking the Bismarck, etc. Again as mentioned previously, this is probably a caricature of the truth, in that it is most likely an exaggerated account of something that is essentially based on facts. He does appear to have been in the Royal Navy in World War II. It is not at all impossible that he was a crewmember on one of the ships that was involved in sinking the Bismarck. He may even have been a member of a gunnery crew. My suspicion, however, was that his rank was a relatively minor one, but as the years have gone by, his role in the action has become

greatly exaggerated in his mind to reflect glory on himself, as previously mentioned, as has become his habit in other episodes of his life.

You asked if he was actively psychiatrically ill at present. I do not think that this is the case. He may have some remnant of an Organic Brain Syndrome, but indeed his mind is remarkably clear, and there is really very little evidence of this in my view at this time. It is of note, even when he was tested twice by psychologists in the past few years, that on neither occasion could they unequivocally diagnose an organic brain syndrome. For a 77-year-old man with Obstructive Lung Disease, in my view his sensorium at present is remarkably clear.

In my view, rather than being psychiatrically ill, he is a rather eccentric, curious, old man with a number of quite nasty traits (and a number of good ones also), which almost certainly become exaggerated when he is under the influence of alcohol. He has a peculiar cognitive style, which though it may be different from most other people's does not of necessity make him mentally ill.

In brief, I do not think that either his stories or the record of his behaviour in the past can be explained away on the grounds of his being psychiatrically ill.

Sincerely yours,

J.V. O'Brien, M.B., D.P.M.
F.R.C.P.(C)

km

CURRICULUM VITAE

Dr. J.V. O'Brien had graduated from Trinity College, Dublin, in 1961. He worked as a General Practitioner in Canada, Ireland and the U.K. for approximately 10-11 years.

He first immigrated to Canada in 1965 and worked in general practice.

He commenced psychiatry in 1972 in Dublin and obtained the diploma in psychological medicine of the Royal College of Physicians and Surgeons of Ireland in 1974.

Returned to Canada in February 1975 and joined the Dalhousie Residency Training Program. Obtained fellowship of the Royal College of Physicians and Surgeons of Canada (F.R.C.P.(C)) in 1977.

Appointments:

Staff Psychiatrist (Civilian), Statacona, in March 1976 to March 1977.

Staff Psychiatrist, Nova Scotia Hospital, March 1977 to December 1979.

Staff Psychiatrist, Abbey Lane Hospital, January 1979 to December 1981.

Staff Psychiatrist, Nova Scotia Hospital, January 1981 to the end of August 1987.

Currently working part-time at the Cape Breton Hospital and in private practice.

Acting Director of the Foresenic Unit of the Nova Scotia Hospital from September 1984 to September 1985.

Consultant Psychiatrist at the Halifax County Correctional Center from 1979 to 1987.

UMULATIVE THERAPEUTIC RECORD

ME Roy Ebsary

SE NUMBER 7059

Date

er 15/87

CONTINUATION 43

PSYCHIATRIC SURVEY:
This consultation was requested by Mr. George MacDonald, Q.C., counsel for the Royal Commission on the Donald Marshall Jr., prosecution.

Mr. Ebsary was brought to the Cape Breton Mental Health Clinic by Mr. Horne. He was warned prior to the interview that this was not an ordinary psychiatric interview, but had been requested by the Commission and anything he said might possibly be brought up before the Commission.

On first seeing Mr. Ebsary he said he had requested the interview because "the C.B.C News mentioned me naturally, they said Ebsary was mentally ill. I was never mentally ill, they proved that, they said you are saying that I have 23,000 books in my Library. A lawyer tried to prove I was senile. He was senile, I cut him down as the highest paid lawyer there. I have no trouble with the old bean ".

Asked if he found being before the Commission stressful, he said " I didn't really, it was the waiting and in between. When I was in the Nova Scotia Hospital, they used to have me address a whole group of doctors and nurses about different subjects. What subject that I gave was Do you believe that when the conscious mind comes against something it can't solve, the conscious mind looks to the sub-conscious for help. The duty of the sub-conscious i s to control the body, the conscious mind would destroy the body. I learned that from an old time U.S. Gunnery Officer Quotodomine. He taught me the way to immortality. The lawyer said I was hallucinating. I had been into the Cape Breton Hospital and the Nova Scotia Hospital, they asked me what I was doing there, do I make myself clear?"

Asked as to how it was that the lawyer suggested he was lying, he said "they are inveterate liars, I called them liars. I was reared to tell the truth, mine was the only story not told, and I stood through three judges, three trials and one lawyer. I think Ross was afraid I would blame him (he means Jimmy MacNeil), the custom is to blame the other". "The bloomin' British Navy".

He went on to describe how he was in the Merchant Navy, and because of this they refused to let him into the R.N. in England, so he came back to Newfoundland and volunteered for the R.N., and got into it from there. He then described where he got his stripes in England, though I did not recognize the names.

As concerns the CBC, he said I want a written statement to that effect, that there is nothing wrong with me.

Audit Checked: Yes ☐ No ☐

R-009-4-82

CUMULATIVE THERAPEUTIC RECORD

NAME Roy Ebsary

CASE NUMBER 7089

Date
ember 15/87

Specifically, he related that his nerves were bad, by this he meant that he was easily irritated, if thing did not work out the way he wanted them or if he was kept waiting. He said this was because he had got used to giving orders in the Navy, which were obeyed at once. He found it irritating on shoreif the same thing didn't happen.

He says he is sleeping well, perhaps too much, but said he was not eating well and has lost a lot of weight, but he ascribes this to ulcers, but then went on "unless I got AIDS, you lose a lot of weight when you get AIDS". When asked if he had this, he just said "no!".

Past History:

(a) Physical: He maintained that his only two serious illnesses have been a fractured neck and bronchitis. Nevertheless his past record shows that in 1972 he was diagnosed as having prostatism in Camp Hill. In 1982, on discharge from the Forensic Unit of the Nova Scotia Hospital he was diagnosed as having Organic Brain Disease and entrogastritis with duodenitis, moderate obstructive lung disease and possible benzodiazepine withdrawal. On discharge from the same Unit in July, 1982, the final diagnosis by Dr. Akhtar was (1) Chronic Brain Syndrome (2) Chronic Alcoholism (3) Congestive Failure (4) Chronic Obstructive Lung Disease (5) Peptic Ulcer. In January, 1985, he was discharged from the Cape Breton Hospital with a diagnosis of Organic Brain Syndrome and Urinary Tract Infection. This diagnosis was repeated on his discharge from here on February 27th, 1985 (Dr. A.K. Munshi).

On this admission he had a Brain Scan, the result of which states as follows - there is evidence of a previous pantopaque mylogram. Mild to moderate cerebral atrophy is noted, some widening of the sulcal marking and slight dilation of the lateral ventricles - .

(b) Psychological Testing: In June, 1982, he was tested by M.A. O'Hara, at the Nova Scotia Hospital, specifically with regard to organicity, she states "the results of the Bender Gestalt indicate mild organic impairment....the overall reproduction would appear to be within keeping with Mr. Ebsary's chronological age group and does not suggest serious organic dysfunction.

Testing - Kaiser Sarwar, Ph.D. January, state "in summary the above tests do indicate moderate and mild form of short term memory deficits ...such memory losses are often seen in many neuro-behavioural disorders but they can also occur

Audit Checked: Yes ☐ No ☐

CUMULATIVE THERAPEUTIC RECORD

NAME Roy Ebsary

CASE NUMBER 7089

Date

ember 15/87 when a person is under considerable anxiety and stress... The presen tests are not conclusive in their results.

As far as psychiatric admissions go:

(a) Nova Scotia Hospital: He seems to have had two admissions to the Forensic Unit of the Nova Scotia Hospital, the first from March 30th to April 29th, 1982 (Dr..N. Akhtar). Final Diagnosis was (1) Organic Brain Syndrome
(2) Antral gastritis with duodenitis
(3) Moderate chronic obstructive lung diseas
(4) Possible benzodiazepam withdrawal

(b) He was readmitted on May 10th under a Lt. Governor's Warrant. when he was found unfit to stand his trial. He was discharged on July 30, 1982. Final Diagnosis not given on the discharge summary. It was noted that he had improved enough for the Warrant to be lifted.

(c) Cape Breton Hospital: His first contact seems to have been on March 22, 1982. He was referred from the Forensic Unit at the Nova Scotia Hospital. His first admission was on December 12, 1984. Impression was an Acute Confusional State probably secondary to an organic brain syndrome. Alcohol and drug abuse were mentioned as probable causes.

He was readmitted on December 11, 1984. Discharged on December 21, 1984. Diagnosis (1) Organic Brain Syndrome
(2) Urinary tract infection

Next admission January 7, 1985. It would appear that the previous diagnosis were maintained, this is not entirely clear from the chart. At this time his CAT Scan showed some abnormality as previously mentioned. At this time it was mentioned that he had a confusional episode secondary to physical problems and the use of drugs, mainly pain killers. It was noted that he was liable to become confused if he abused pain killers or drugs

When he was asked specifically about his prior history, he indicated that he had always been told he was perfectly normal and he had never really needed to be in hospital really. It was impossible to get any kind of an accurate history about his drinking as he down played it markedly. He claims to not having had a drop to drink for years. He admits to having the occasional smoke of Marijuana, but denies abuse of any other substances.

At the present time he says he is on 13 different medications, but he was unable to recall what medications he was on.

Audit Checked: Yes ☐ No ☐

Date
nber 15/87

Other items in his past history:

1. Fractured neck five years ago, pneumonia a few times, and bronchitis for years he says.

He also mentioned being in Bermuda where he said he had a ruptured appendix, but didn't have.. it was his nerves and he was sent to Camp Hill. They would not take him back into the Royal Navy after that.

Family History:

He was born and bred in Newfoundland, only discovereing shortly before his stepfather died that his real father was his stepfather's older brother, whom he claims was killed in 1916 in France. According to him his real father was a Regimental Sergeant Major who had just been promoted to a Lieutenant and was killed in battle.

He indicated that it was a bit of a shock to discover he was not his stepfather's son.

He was reared largely by his grandmother. His grandfather being mostly at sea. This seems to have been quite an isolated existance as on the whole his grandmother did not approve of most of the friends he brought to the house, and he spent much of his time with her. He does seem to have been reared almost as an only child by this older woman. She was, he says, high up in the Orange Order and was preoccupied with history. She apparently had an encyclopediacal knowledge of the Royal Family and of all their relatives and where they came from. Historically however his interests were widespread and he grew up hearing all kinds of historical stories.

He himself says the Ebsarys probably came to England Willie II in the Crusades. They came from Exeter, England and his family are the only Ebsarys in Newfoundland. He claims they were given special lands by the Royal Family "for duties they did for the Royal Family".

Given his origins, he describes himself as a bit of a "bastard" but he says he doesn't care, at least it make him different.

School & Work Record:

He got as far as grade nine, leaving when he was sixteen to work in a bowling alley. He subsequently worked in a lumber company for eight years before going to Sea at the age of 27.

UMULATIVE THERAPEUTIC RECORD

IAME Roy Ebsary

ASE NUMBER 7089

Date
mber 15/87

After spending 40 years at sea, he claims he worked for eight years at the Isle Royal as a Chef. He has been retired for some years.

He seems to have lived common-law with a woman for 31 years and had no sexual liasons or other liasons prior or to this relation or after it. It is unclear however if he ever actually was married, he says "we used to talk about it, she would put it off", her first husband treated her bad, you can't say that about me"

He describes his marriage break-up as follows: "I walked out on a matter of principle. The Save Sweeney Trust used to pick up young men and give them to different people, they gave one to me to train him as a Gentleman's gentleman. One night we were smoking some marijuana, she said get rid of that weirdo, I said I am keeping my promise to the Sweeney Trust" and he claims he walked out with this young man.

He goes on to say that Dick Sweeney, President of the Sweeney Trust was bi-sexual like him.

Asked specifically what he meant by bi-sexual he said "you don't care if it was a boy or a girl" - "I lived with so many of them it rubbed off on me. I think it started when I met Dick Sweeney, he was 'an awfully nice chap'..it was the last year of the War. We didn't have anything to do with each other. Asked if he had specific sexual activity with other young men he said "I don't think I ever did really. You don't make a move unless the other man does you know". He goes on to indicate that homosexual activities are very common in the Cape Breton Correctional Centre, and says that he informed the Attorney General and the warden. Though he has been found guilty of sexual assault, he said it was a bloody lie.

He gives an ambivalent account of his sexual activities other than with his wife.

Personality: He sees himself as always being a loner, and repeats what he said previously about being"allergic to people".

He says he has never trusted anybody, and this may be related to the way he was brought up.

Criminal Record: He says with a laugh, that he never got into any legal trouble until he came to Sydney, and was into his 70's. He says he was never in trouble when he was younger.

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"I was in my bloomin' seventies when I got into trouble. If you don't sow your wild oats when you are young you sow them when you are older" and he laughed.

He denies that he ever stabbed Mr. Mugridge. He also denied the allegation that he once tried to stab Mr. Toney Tratnick.

Hobbies & Interests:

He spoke at great length about his interest in writing and how he wrote to people all over the world. He said he used to write the Queen Mother on her birthday and send her two four leaf clovers. He used to get a letter back and he was told by her Secretary that the Queen Mother got a great kick out of it.

He repeatedly wrote books along with Quotodomine
He repeated the titles of four of them (1) Immortality (2) Immortality & Creative Powers (3) In Time of Duty (4) Heaven and Earth. He says that these were published privately by Quotodomine, and his name was on them. When they were written he and this man Quotodomine,would send them to all the leaders of the world, presidents, etc. including Indera Gandhi of India. He said they would get letters of thank back from them.

He apparently spent some eighteen months living with this Quotodomine in Argentia, Newfoundland. He seems to have met him because his younger sister was a companion of the Quotodomine's young fourth wife.

Mental Status:

He appears a bright cheerful old man with a pointed goatee (beard). His clothes were dirty and he looked somewhat neglected. He was quite markedly thin. He had considerable difficulty getting up. His affect was neither depressed nor elated and quite appropriate to his thinking. His behaviour was quite pleasant and cooperative, and as Dr. Donovan once noted "he is quite a charming old man in some ways".

His flow of speech was well organized and to the point.

Cognition:

(a) Content of thought: He may be delusional. He certainly has beliefs that are incompatible with the descriptions others give of his actions and behaviour, and even descriptions he has given of his own actions and behaviour in the past.

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Nevertheless, the impression that the undersigned gets is not so much that he is delusional, but that he exaggerates and somewhat distorts the past largely in order to excuse and glorify himself. My impression is that the outline of most of the thing he said and indeed the detail of many of the things he describes, is accurate. Nevertheless, his underlying tendency to distort and exaggerate seems prominent - thus even right to the present time, when he was actually told that as far as the undersigned could see at the present time he has no active psychiatric illness, this man said that he had never been psychiatrically ill in any way.

The Form of his thought - nothing abnormal whatsoever.

Perception. There is no evidence of hallucinations, visual, auditory or otherwise. As mentioned previously his affect seems quite normal.

He gave the day as Thursday (it is Tuesday), the 17th (15th) of September, 1987. He could not remember my name. He gave the place as the Cape Breton Hospital. Given a name and address to learn he learned in one attempt and scored 10/11. General knowledge score 41/70. Mathematical Score 10/12 done in a minute and a quarter. He reversed the months correctly in 15 seconds. Serial Threes correctly in 15 seconds. Digit Span 6/3.

Differences & Similarities:
(a) a bush and a tree, "a bush is smaller"; a lie and a mistake, he could not really differentiate; an apple and a pear, "both have stalks".

Judgement: $1,000.00 "I would give it to one of the boys in the slammer. I am always paying fines and so on for them".

Proverb Interpretation: movie, fire.."I would go out quietly, I would not shout fire".....enveloped .."I would put it in the mail box".

Spilt milk..."if something has happened it has happened, it is no use crying over spilt milk"....silver lining.."everyone does, its on the fact that the sun can't penetrate a thick cloud".. sauce for the gander.."unless it is what you feed them"....glass houses "it means people should be particular when they criticize others".

Impression from Mental Status:

Certainly his appearance does not suggest good health. His

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affect is normal. His behaviour is pleasant. The flow of his speech is quite normal.

Content of his thinking is certainly distorted but one has to suspect that this is a life long trait, rather than any evidence of a mental illness.

There is remarkably little evidence of any organic brain deficits. His concentration is good, his memory is quite good, and he abstracts somewhat poorly but certainly not in all cases. His judgement is good and as I mentioned previously abstratced two of the four proverbs quite adequately but he was quite concrete on others.

Summary of history and mental status:

This is a 77 year old separated male, the oldest of a sibship of ten or eleven, who was conceived out of wedlock by his stepfather's brother, and who only discovered his bastardy in his own words, in late middle aged. He was reared largely by his grandmother and lived a rather isolated existance with this rather imaginative and possibly somewhat abnormal old lady. He has a grade nine education, but has read quite widely.

He lives common-law with one woman for thirty years and had two children by her. He openly admits to being bi-sexual, but hesitates to mention specific homosexual activities. He denies abuse of alcohol or other substances but his psychiatric history would tend to indicate quite otherwise. he has had admissions both to the Cape Breton and Nova Scotia Hospitals

Current Mental Status:

He is not psychotic, he is not depressed. There are minimal signs of organic brain deficits. He does not seem to have any obvious neurotic traits, he does appear to have been a substance abuser in the past and may still be. His personality at the present time strongly suggests that of an antisocial personality disorder, or strongly antisocial personality traits.

Psychodynamic Note:

Though it is difficult at this stage to be sure why this man should distort the truth mercurially as he does, nevertheless this is not that uncommon, though eccentric and perhaps not socially acceptable, does not indicate any psychiatric illness. The origin of this way of thinking probably go back to his curious isolated existance in early life, his old grandmother,

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and her preoccupation with history and the Royal Family, probably with an underlying theme that they were of royal descent in some ways.

Much of his speech has an English flavour and many of his phrases, some of them underlined, suggest his association with working class Englishmen, which of course he associated with in the Royal Navy. What is peculiar about his antisocial behaviour is that it does not seem to have started until his late sixties or early seventies. It is also to be noted that he has had a CAT Scan and some psychological abnormalities but his current mental status suggest these may well be minimal.

Nevertheless, the fact is that he has abused alcohol and possibly other substances, and seems to have had some kind of personality changes in his late seventies which involve some considerable degree of disinhibition, which suggest that his changes in behaviour may be accounted for on an organic basis, possibly frontal lobe changes.

Diagnostic Impression:

AXIS I Essentially no diagnosis. However, he may have mild organic changes, possibly some frontal lobe type syndrome. He may also be abusing substances, he certainly seems to be an alcoholic in remission.

AXIS 11: ?? Antisocial Personality Disorder

AXIS 111: Peptic Ulcer
Obstructive Lung Disease

With regard to the questions asked by Mr. George MacDonald, Q.C.

(1) Is there any credence to what he says at all?

The answer to that I think, is that there is in a sense that the outline of much of what he says is probably true as indeed is much of the detail. However, most episodes in his life seem to be presented in a way that reflects glory on him and ignomy away from him. Nevertheless, this does not mean that they are entirely invented.

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(2) I.Q. is as most likely indicated by the psychologoical testing in the upper limits of normal. However, his ready wit, his quickness of words, and his lack of inhibition before a crowd, probably conveys to the onlookers an exaggerated idea of his I.Q. level.

(3) His stories concern the sinking of the Bismarck, etc. Again as mentioned previously, this is probably an exaggerated account of something that is essentially based on facts. He does appear to be in the R.N. in the war. It is not at all impossible that he was a crewmember on one of the ships that was involved in sinking the Bismarck. My suspicion is that this was in some very minor rank, but as the years have gone by, his role in action has become greatly exaggerated, as it has become in other episodes of his life.

(4) "Does he have a psychiatric diagnosis (is he crazy)?" I do not think that he has a psychiatric diagnosis at all at the present time, except perhaps possibly a Mild Organic Brain Syndrome or possibly Alcoholism or Substance Abuse in Remission.

He is quite an eccentric, curious man with a number of quite nasty traits, which may well become more exaggerated when under the influence of alcohol. (This tends to be confirmed by what his family says). Nevertheless, I do not think that explaining his behaviour away on psychiatric grounds solves anything very much.

J.V. O'Brien, M.B., D.P.M., F.R.C.P.(C)

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